

## FISH CANNERIES.

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No. 73 of 1958.

AN ACT to authorize the purchase by the State of certain land and other property owned by Fish Canneries of Tasmania Proprietary Limited and to provide for the leasing or other disposal thereof, and for other purposes. [19 December 1958.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

Short title.

**1** This Act may be cited as the *Fish Canneries Act 1958*.

Interpretation.

**2** In this Act, unless the contrary intention appears—

“Company” means *Fish Canneries of Tasmania Proprietary Limited*, a company incorporated under the *Companies Act 1920*;

“Financial Agreement” means the agreement made between the Commonwealth and the States and ratified by the *Financial Agreement Act 1927*, and includes that agreement as varied from time to time and any agreement made in substitution therefor;

“freehold land” means the land situated in the parish of Kingborough in the county of Buckingham in this State, comprising one acre two roods twenty-one perches and two-tenths of a perch and known as Lot 31130, being the land described in Purchase Grant, volume 216, folio 57;

“leasehold lands” means the several pieces of Crown land respectively described in Parts I, II, III, and IV of the schedule, being lands held by the company under a lease thereof under the *Crown Lands Act 1935*;

“Loan Fund” means the Loan Fund established under section six of the *Public Account Act 1957*;

“Society” means *Eastern Tasmania Fishermen’s Co-operative Society Limited*, a society incorporated under the *Co-operative Industrial Societies Act 1928*.

**3**—(1) For the purposes of this Act, the Minister may, on behalf of Her Majesty, purchase the freehold land from the Company, in accordance with the provisions of the *Lands Resumption Act 1957*, for such sum as, subject to this section, may be agreed upon between the Minister and the Company. Purchase of property.

(2) Upon the Company surrendering to the Commissioner of Crown Lands its lease of any of the leasehold lands, the Minister may pay to the Company such sum by way of compensation for permanent improvements thereon as, subject to this section, may be agreed upon between the Minister and the Company.

(3) The Minister may purchase from the Company such of its moveable property used in connection with the carrying on on those lands of the Company's operations as may be agreed upon between the Minister and the Company for such price as, subject to this section, may be so agreed upon.

(4) The sum agreed to be paid by the Minister to the Company—

- (a) under subsections (1) and (2) of this section, shall not exceed, in the aggregate, the sum of fifty thousand pounds; and
- (b) under subsection (3) of this section, shall not exceed the sum of six thousand pounds.

(5) In consideration of the Company assigning and transmitting to the Society, to the satisfaction of the Minister, the Company's trade mark registered in respect of the sale by it of fresh, canned, or processed fish by it, the Minister may pay to the Company the sum of two thousand pounds in addition to any sum authorized to be paid by him to the Company by any other provision of this section.

(6) The Society shall, in such manner as may be agreed upon between the Society and the Minister, reimburse the Minister in respect of any sum paid by the Minister to the Company pursuant to subsection (5) of this section.

**4** The Treasurer shall, at the request of the Minister, pay and apply out of the Loan Fund (which to the necessary extent is appropriated accordingly) such sums, not exceeding fifty-eight thousand pounds, as may be required by the Minister for the purposes of section three. Appropriation of Loan Fund.

**5** For the purposes of this Act, the Treasurer may arrange for the borrowing on behalf of the State, in accordance with the Financial Agreement, of any sums of money not exceeding fifty-eight thousand pounds. Power of Treasurer to borrow moneys.

**6**—(1) Subject to this section, the land purchased by the Minister under subsection (1) of section three and the lands surrendered to the Commissioner of Crown Lands under subsection (2) of that section may, notwithstanding any other law to the contrary, be disposed of in the following manner, namely:— Power to dispose of property.  
Cf. No. 71 of 1954, s. 10.

- (a) The Commissioner of Crown Lands may grant to the Society a lease of those lands, or any of them, together with any buildings and other permanent improvements thereon, for such term (not exceeding ninety-nine years), and at such rent, and upon and subject to such covenants and conditions as the Minister may approve; or
- (b) The freehold land may be sold by the Minister to the Society, by private contract, at such price as the Governor may approve.

(2) The Minister may sell to the Society for such price (being not less than six thousand pounds) and on such terms and conditions as may be agreed upon between the Minister and the Society the moveable property purchased by the Minister from the Company under subsection (3) of section three.

(3) Where any land is sold to the Society pursuant to paragraph (b) of subsection (1) of this section, the Governor, on payment to the Minister of the purchase money, may, in the name and on behalf of Her Majesty, by deed of grant convey and alienate that land to the Society for an estate in fee simple in possession as if it were land that is subject to the *Crown Lands Act 1935*.

(4) If any land is leased to the Society pursuant to paragraph (a) of subsection (1) of this section, that land may subsequently be sold to the Society or its assigns in accordance with paragraph (b) of that subsection.

(5) Notwithstanding anything in the foregoing provisions of this section, no land shall be sold to the Society under this section if it forms, or extends over, portion of the bed of the sea, or of a river, stream, or lake.

(6) The provisions of section sixty-seven of the *Lands Resumption Act 1957* do not apply to or in relation to any land that is proposed to be sold to the Society under this section.

Power of  
Treasurer to  
guarantee  
borrowings  
by Society.

**7—(1)** For the purpose of assisting the Society to engage in the canning and processing of fish and the marketing of fresh, canned, and processed fish, the Treasurer, subject to this section, may, on behalf of the State, guarantee the repayment of any moneys proposed to be borrowed by the Society upon overdraft of its bank account and the payment of the interest and other bank charges payable in respect thereof.

(2) The Treasurer shall not, in pursuance of this section, guarantee the repayment of any principal moneys in excess of the sum of thirty thousand pounds or the payment of interest on any principal moneys in excess of that sum.

(3) Before a guarantee is given by the Treasurer under this section, the Society shall give to the Treasurer such security as the Treasurer may require and shall execute all such instruments as may be necessary for that purpose.

(4) Within six months of the giving of a guarantee under this section the Society shall, if so directed by the Treasurer, amend the rules of the Society so as to provide that during the period while the guarantee is in force or any moneys remain due and unpaid by the Society to the Minister in accordance with this Act, whichever is the longer period, some person appointed by the Treasurer, being an officer of the Treasury, shall be a member of the committee of management or other governing body of the Society.

(5) Notwithstanding anything in the *Co-operative Industrial Societies Act 1928* or in the rules of the society or any rule of law to the contrary, while his appointment continues in force, a person appointed by the Minister under subsection (4) of this section shall, by force of this section and without further authority, be deemed for all purposes to be a member of the committee of management or other governing body of the Society and to be entitled to all the rights and privileges, and to exercise all the powers and authorities, of a member thereof, notwithstanding any lack of qualification or any disqualification that, but for this subsection, would arise by virtue of any law or instrument.

(6) If the Treasurer is called upon to make a payment to a bank in consequence of giving a guarantee under this section the Treasurer shall, upon the demand of the bank and without any authority other than this section, make that payment to the bank out of the Consolidated Revenue (which, to the necessary extent, is appropriated accordingly).

(7) The Society shall, upon demand being made on it by the Treasurer, pay to the Treasurer any amount paid to a bank by the Treasurer under this section, together with interest thereon at the rate of five and one-half per cent per annum calculated from the day of payment by the Treasurer to the bank until repayment to him by the Society.

(8) All moneys received by the Treasurer from the Society under subsection (7) of this section shall be paid by the Treasurer into the Consolidated Revenue.

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## THE SCHEDULE.

(Section 2.)

### PART I.

TOWN OF DUNALLEY.

17 6/10 perches.

Commencing at a point on the Esplanade distant 129 feet or thereabouts south-easterly from the east angle of Lot 5 section A purchased by G. Long and bounded on the north-east by 40 feet south-easterly along part of the Esplanade and along East Bay on the south-east by 120 feet south-westerly again along that bay on the south-west by 40 feet north-westerly again along that bay and again along part of the Esplanade aforesaid and thence on the north-west by 120 feet north-easterly again along part of the Esplanade to the point of commencement as the same is shown on survey diagram volume 245 folio 14 filed and registered in the office of the Surveyor-General and Secretary for Lands at Hobart.

## PART II.

## TOWN OF DUNALLEY.

26 9/10 perches.

Commencing at a point on the Esplanade distant 120 feet 9¼ inches south-easterly from the east angle of Lot 5 Section A purchased by G. Long and bounded on the north-west by 98 feet 5½ inches north-easterly along part of the Esplanade aforesaid again on the north-west by 62 feet 5½ inches north-easterly in two bearings again along that land and along Blackmans Bay on the north-east by 100 feet south-easterly again along that bay and thence on the south-east by 87 feet south-westerly again along that bay and along part of the Esplanade aforesaid to the point of commencement as the same is shown on survey diagram volume 245 folio 14 filed and registered in the office of the Surveyor-General and Secretary for Lands at Hobart.

## PART III.

## TOWN OF DUNALLEY.

1 acre 1 rood 77/10 perches.

Commencing at a point on Imlay Street distant 72 feet 1¼ inches north-easterly from the eastern angle of Lot 5 Section B purchased by W. H. and J. W. Rattenbury and bounded on the north-west by 142 feet 7 inches north-easterly along Crown land to the high-water mark on Blackmans Bay on the north-east by 152 feet or thereabouts south-easterly along that high-water mark again on the north-east by 60 feet or thereabouts north-easterly along Blackmans Bay aforesaid to the low-water mark on that bay again on the north-east by 99 feet or thereabouts south-easterly along that low-water mark on the south-east by 60 feet or thereabouts south-westerly along that bay to the high-water mark aforesaid again on the north-east by 51 feet or thereabouts south-easterly again along that high-water mark again on the north-west by 62 feet 8½ inches or thereabouts north-easterly again along that bay again on the north-east by 24 feet 2¼ inches south-easterly again along that bay again on the north-west by 43 feet 1½ inches north-easterly again along that bay again on the north-east by 12 feet south-easterly again along that bay again on the south-east by 43 feet 10¼ inches south-westerly again along that bay again on the north-east by 34 feet 6½ inches south-easterly again along that bay on the south-east by 53 feet 6 inches south-westerly again along that bay crossing the high-water mark on that bay and along part of the Esplanade again on the south-east and again on the north-east by 114 feet 0¾ inches south-westerly and south-easterly in several bearings again along that land to Imlay Street aforesaid and thence again on the south-west by 418 feet 19½ inches north-westerly in two bearings along that street to the point of commencement as the same is shown on survey diagram volume 245 folio 14 filed and registered in the office of the Surveyor-General and Secretary for Lands at Hobart.

## PART IV.

## TOWN OF BRIDPORT.

2 roods 30¼ perches.

Commencing at a point on the high-water mark on the River Brid distant 430 feet or thereabouts south-easterly from a north-east angle of Section A purchased by W. Pitt and bounded on the south-west by 139 feet 9 inches north-westerly in two bearings along part of the Esplanade on the north-west by 233 feet 10½ inches north-easterly again along that land on the north-east by 140 feet south-easterly again along that land to the high-water mark aforesaid thence by that high-water mark to the point of commencement as the same is shown on survey diagram volume 245 folio 14 filed and registered in the office of the Surveyor-General and Secretary for Lands at Hobart.